

A new jury trial is scheduled to commence on November 16, 2010. The sole issue remaining for the new trial is to determine the reasonable value and amount of the fire loss and damage to the insured building owned by Darrell Frye.

The parties have advised the Court that there is no need for a new trial on the sole remaining issue. The parties have agreed to stipulations which make it unnecessary to proceed with a new trial. The parties stipulate that the proof to be offered at trial would establish that the amount of the fire loss and damage to the insured building exceeds the maximum coverage limit provided in the insurance policy. [Doc. No. 208]. There are no disputed issues of fact that warrant a new trial on the issue of damages to the insured building. [Doc. Nos. 218, 219]. On November 12, 2010, the parties submitted an additional stipulation which provides that \$225,565.25 is the correct limit of liability coverage in the insurance policy for the insured building.

Accordingly, the final pretrial conference scheduled for November 15, 2010, and the jury trial scheduled for November 16, 2010, are **CANCELED**. The judgment entered on April 19, 2010 [Doc. No. 185] shall be vacated and set aside, and the Court will render an amended final judgment. The motion by Darrell Frye for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) [Doc. No. 220] is **DENIED** as moot.

SO ORDERED.

ENTER this 12th day of November, 2010.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE